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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,057	01/04/2000	ROBERT KLAUS	99.539	8658

7590

09/25/2002

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EXAMINER

MORGAN, ROBERT W

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/477,057	01/04/2000	ROBERT KLAUS	99.539	8658

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08/16/2002

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EXAMINER

MORGAN, ROBERT W

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# Office Action Summary

Application No.

09/477,057

Applicant(s)

KLAUS, ROBERT

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-10, 12-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,093 to Walker et al. in view of Official Notice.

As per claim 1, Walker et al. teaches a method for a risk carrier to assume monetary risks from a plurality of risk cedents, comprising the steps of:

(a) the claimed posting on a server a plurality of proposals to assume selected risks of respective risk cedents such that said proposals are viewable through a computer network is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c);

(b) the claimed initializing on said server an available risk assumption capacity of said risk carrier associated with said proposals is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (users) (see: column 5, lines 36-52 and Fig. 3c);

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(c) the claimed enabling electronic submission by any one of said cedents of one of said proposals associated therewith as an offer for acceptance by said risk carrier is met by a user browsing various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, the user enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order (103, Fig. 1) via the Internet (see: column 5, lines 3-8, 36-53);

(d) the claimed electronically accepting, by said risk carrier, said offer submitted by one of said risk cedents is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures are used to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be interchangeable and referring to different users of the system such as risk cedent (insured) or primary insurers; and

(e) the claimed electronically recalculating said available risk assumption capacity upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor (user) (see: column 5, lines 36-52).

Walker et al. fails to teach (f) the claimed electronically withdrawing from availability any of said proposals whose acceptance would reduce said available risk assumption capacity, as recalculated, below a selected amount.

However, it is old and well known in the insurance industry to restrict user access to certain information once the user has selected a specific type of insurance, for example, a user on

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an insurance web site selects the icon for automobile insurance rendering other types of insurance such as life or home insurance useless or unable to be access on that same web page. As a result this restricts the access to the other types of insurance such as life or home insurance essentially withdrawing them from availability to the user, one of ordinary skill in the art at the time the invention was made would have found it obvious to include the electronically withdrawing from availability of certain policy information within the system as taught by Walker et al. with the motivation of allowing a user to view only the most relevant and pertinent information regarding the type of insurance selected via the Internet.

As per claim 2, Walker et al. teaches the step of (a) the claimed electronically providing confirmation of acceptance of said offer to said cedent which submitted offer is met by the web page's confirmation (630, Fig. 6c) of the investor's order (see: column 8, lines 66 to column 9, lines 11 and column 9, lines 57 to column 10, lines 2).

As per claim 3, Walker et al. teaches posting said offer which was accepted on said server so as to be viewable by said cedent which submitted said offer is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured).

As per claims 5-7, they are rejected for the same reasons set forth in claims 1-3.

As per claim 8, Walker et al. teaches a method for ceding a plurality of monetary risks from a risk cedent to a risk carrier, comprising the steps of:

(a) the claimed posting on server a plurality of proposals to assume a plurality of risks of said cedent such that said proposals are viewable by said cedent through a computer network is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c);

(b) the claimed initializing on said server an available risk assumption capacity for an amount of risk said risk carrier will assume from said risk cedent is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52 and Fig. 3c);

(c) the claimed enabling electronic submission by said cedent of any one said proposals as an offer for acceptance by said risk carrier is met by a user browsing various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, the user enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order (103, Fig. 1) via the Internet (see: column 5, lines 3-8, 36-53);

(d) the claimed electronically accepting, by said risk carrier, said offer submitted by said cedent is met by a user browsing various policies to picks one or more of interest using

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conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insurer; and

(e) the claimed electronically recalculating said available risk assumption capacity upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to teach (f) the claimed electronically withdrawing any of said proposals, which have not been submitted for acceptance, and whose acceptance would reduce said available risk assumption capacity, as recalculated, below a selected amount.

However, it is old and well known in the insurance industry to restrict user access to certain information once the user has selected a specific type of insurance, for example, a user on an insurance web site selects the icon for automobile insurance rendering other types of insurance such as life or home insurance useless or unable to be access on that same web page. As a result this restricts the access to the other types of insurance such as life or home insurance essentially withdrawing them from availability to the user, one of ordinary skill in the art at the time the invention was made would have found it obvious to include the electronically withdrawing from availability of certain policy information within the system and method of the sale of insurance as taught by Walker et al. with the motivation of allowing a user to view only



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the most relevant and pertinent information regarding the type of insurance selected via the Internet.

As per claims 9-10, they are rejected for the same reasons set forth in claims 2-3.

As per claims 12-14, they are rejected for the same reasons set forth in claims 2-4.

As per claim 15, Walker et al. teaches said proposals including an amount of coverage corresponding to a maximum amount of coverage (extent of coverage, 322, Fig. 3c) to be provided and said method further comprises the steps of:

(b) the claimed electronically calculating a premium based on said amount of coverage selected by said cedent is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to explicitly teach (a) the claimed enabling said cedents to electronically decrease said amount of coverage of one of said proposals before submission of said proposal for acceptance.

However, it is old and well known in the insurance industry to decrease an insurance premium by decreasing the amount of coverage before signing and agreeing on set price for an insurance policy. One of ordinary skill in the art at the time the invention was made would have found it obvious to include a user decreasing the amount of coverage via the Internet within the system and method of the sale of insurance as taught by Walker et al. with the motivation getting the lowest premium offered by the insurance company.

As per claims 17-20, they are rejected for the same reasons set forth in claims 2-4 and 15, respectively.

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3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,093 to Walker et al. in view of "CNA Life RE Pilots Online System for Direct Writers and Reinsurers" by Bestwire (hereinafter "Bestwire").

As per claim 4, Walker et al. teaches insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60).

Walker et al. explicitly teaches the step of providing access through said computer network including limiting access of each of said cedents to view only said proposals which are specific to said cedent.

Bestwire teaches an online system that enables life insurance direct writers (insurers) to shop for reinsurance (see: paragraph 1) through AgoraRe.com. Direct writers post applications and case-specific documents to the site for retrieval and examination by one or multiple reinsurers (see: paragraph 3). Reinsurers examine the cases and related documents and then return responses through the site where the direct writers will review the responses and select the best offer or offers (see: paragraph 3). Participants use security software at their workstations to contact the site and a password to enter the system, a case-placement screen allows direct writer to see all of the offers side by side but the direct writer cannot view cases submitted by the competitors (see: paragraph 1, 3, 4 and 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the online system of reinsurance as taught by Bestwire within the system and method of the sale of insurance as taught by Walker et al. with the motivation preventing the user from making errors by limiting access to irrelevant information regarding their insurance policy.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over “CNA Life RE Pilots Online System for Direct Writers and Reinsurers” by Bestwire (hereinafter “Bestwire”) and U.S. Patent No. 6,119,093 to Walker et al. in view of Official Notice.

As per claim 11, Bestwire teaches a method for a reinsurer to sell reinsurance to a plurality of selected cedent, comprising the steps of:

(a) the claimed evaluating an insurance portfolio of each of a plurality of cedent is by the direct writers who post applications and case-specific documents to the a web site for retrieval and examination by one or multiple reinsurers (see: paragraph 3);

(b) the claimed developing proposals to reinsure selected insurance portfolios of said selected cedents is met by the reinsurers who examine the cases and related documents and then return response through AgoreRe.com (see: paragraph 3);

(c) the claimed posting said proposals on a server such that said proposals are viewable through a computer network is met by the posting of applications and case-specific documents to a web site for retrieval and examination by one or multiple reinsurers (see: paragraph 3);

(e) the claimed providing access though said computer network to said selected cedents to view said proposals is met by the participants of the system using security software at their

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workstations to contact the site and a password to enter the system and using a case-placement screen that allows direct writer to see all of the offers side by side (see: paragraph 1, 3, 4 and 5);

(g) the claimed receiving said offer from said cedent by said reinsurer is met by the direct writers selecting the reinsurer they want to receive their application (see: paragraph 5);

Bestwire fails to explicitly teach:

(d) the claimed initializing on said server an available reinsurance capacity of said reinsurer to accept said proposals;

(h) the claimed electronically accepting, by said reinsurer, said offer from said cedent;

(f) the claimed enabling electronic submission by any one of said selected cedents of one of said proposals as an offer for acceptance by said reinsurer;

(i) the claimed electronically recalculating said available reinsurance capacity upon accepting said offer; and

(j) the claimed electronically withdrawing any of said proposals whose acceptance would reduce said available reinsurance capacity, as recalculated, below a selected amount.

Walker et al. teaches:

(d) the claimed initializing on said server an available reinsurance capacity of said reinsurer to accept said proposals is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52 and Fig. 3c);

(h) the claimed electronically accepting, by said reinsurer, said offer from said cedent is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-

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60). In addition, digital signatures are used to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insurer;

(f) the claimed enabling electronic submission by any one of said selected cedents of one of said proposals as an offer for acceptance by said reinsurer is met by a user browsing various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, the user enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order (103, Fig. 1) via the Internet (see: column 5, lines 3-8, 36-53); and

(i) the claimed electronically recalculating said available reinsurance capacity upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52);

The combination of Bestwire and Walker et al. fail to teach (j) the claimed electronically withdrawing any of said proposals whose acceptance would reduce said available reinsurance capacity, as recalculated, below a selected amount.

However, it is old and well known in the insurance industry to restrict user access to certain information once the user has selected a specific type of insurance, for example, a user on an insurance web site selects the icon for automobile insurance rendering other types of insurance such as life or home insurance useless or unable to be access on that same web page. As a result this restricts the access to the other types of insurance such as life or home insurance

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essentially withdrawing them from availability to the user, one of ordinary skill in the art at the time the invention was made would have found it obvious to include the electronically withdrawing from availability of certain policy information within the system as taught by the combination of Bestwire and Walker et al. with the motivation of allowing a user to view only the most relevant and pertinent information regarding the type of insurance selected via the Internet.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,093 to Walker et al. and "CNA Life RE Pilots Online System for Direct Writers and Reinsurers" by Bestwire (hereinafter "Bestwire") in view of Official Notice.

As per claim 16, Walker et al. teaches:

(a) the claimed developing, for each said different classes of insurance are met by the type of coverages (321, Fig. 3b) (see: column 6, lines 44-58 and column 8, lines 37-51).

(b) the claimed posting said proposals on a server such that selected ones of said proposals are viewable selected ones of said cedents through a computer network is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c);

(c) the claimed initializing on said server an available cedent capacity for each of said cedents and an available per occurrence capacity for each of said proposals is met by the central

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server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52 and Fig. 3c).

(d) the claimed electronic submission by any one of said cedents of one of said proposals associated therewith as an offer for acceptance by said reinsurer is met by a user browsing various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, the user enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order (103, Fig. 1) via the Internet (see: column 5, lines 3-8, 36-53);

(e) the claimed electronically accepting by said reinsurer said offer submitted by one of said selected cedents is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insured; and

(f) the claimed electronically recalculating said available cedent capacity of said cedent and said available per occurrence capacity of said proposal upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to teach a method for a reinsurer to sell reinsurance including step (g) the claimed electronically withdrawing from availability any of said proposals whose acceptance would reduce said available cedent capacity or said available per occurrence capacity, as recalculated, below a selected amount.

Bestwire teaches online system that enables life insurance direct writers (insurers) to shop for reinsurance (see: paragraph 1).

The combination of Walker et al. and Bestwire fail to teach (g) the claimed electronically withdrawing from availability any of said proposals whose acceptance would reduce said available cedent capacity or said available per occurrence capacity, as recalculated, below a selected amount.

However, it is old and well known in the insurance industry to restrict user access to certain information once the user has selected a specific type of insurance, for example, a user on an insurance web site selects the icon for automobile insurance rendering other types of insurance such as life or home insurance useless or unable to be access. This in turn restrict the access to those other types of insurance such as life or home insurance essentially withdrawing them from availability to the user, one of ordinary skill in the art at the time the invention was made would have found it obvious to include the electronically withdrawing from availability of certain policy information within the system as taught by the combination of Bestwire and Walker et al. with the motivation of allowing a user to view only the most relevant and pertinent information regarding the type of insurance selected via the Internet.

***Conclusion***



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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (6,272,528) Cullen et al. teaches a computer system for providing delivery of financial services, such as banking, general insurance, life assurance, pension and investment.

In related art (CNA Life Re Pilots Online System For Direct Writers and Reinsurers (CNA Life RE launches new online system enabling life insurance direct writers to shop online for facultative reinsurance) Best's Review Life discusses a new online system the enables life insurance direct writers to shop for facultative reinsurance online.


In related art (Reinsurance goes virtual at General Life) MacSweeney discloses an online submission and tracking system for insurance writers and their reinsurers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is 703-605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RWM  
rwm  
August 9, 2002

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600